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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN C. PEHLE,

Plaintiff,

No. 2:06-cv-1889-EFB

vs.

RONALD DAVID DUFOUR;  
DUFOUR ENTERPRISES, INC.,

Defendants.

ORDER

\_\_\_\_\_ /  
This action is before the undersigned pursuant to the consent of the parties. *See* 28 U.S.C. § 636(c); E.D. Cal. L.R. 305. After a bench trial, the court found that plaintiff was entitled to judgment in his favor and against both defendants, jointly and severally, on plaintiff’s claim under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207(a), and on plaintiff’s claim for overtime compensation under California law. ECF No. 97. The court further found that defendants were entitled to judgment in their favor on plaintiff’s claim under California Labor Code section 226. *Id.* Accordingly, judgment was entered for plaintiff and against Dufour Enterprises, Inc. for \$46,545.71 (based on \$31,858.39 for the California law violations and an additional \$14,687.33 in liquidated damages under the FLSA), and judgment for plaintiff and

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1 against both Dufour Enterprises, Inc. and Ronald DuFour, jointly and severally, in the amount of  
2 \$29,374.66 (based on the FLSA violations only).<sup>1</sup> ECF No. 99 at 4.

3 Plaintiff now seeks to recover \$171,960.00 in attorney fees and \$3,969.57 in litigation  
4 expenses pursuant to 29 U.S.C. § 216(b) and California Labor Code § 218.5. ECF No. 101 at 7.  
5 Defendants oppose the motion. ECF Nos. 105, 106. For the following reasons, plaintiff's  
6 motion is granted in part and denied in part.

7 I. ANALYSIS

8 A. Attorney Fees

9 Plaintiff, as the prevailing party at trial, is entitled to attorneys' fees under the Fair Labor  
10 Standards Act ("FLSA"). 29 U.S.C. § 216(b); *see also Newhouse v. Robert's Ilima Tours, Inc.*,  
11 708 F.2d 436, 441 (9th Cir. 1983) ("The FLSA grants prevailing plaintiffs a reasonable  
12 attorney's fee."). Courts in the Ninth Circuit calculate an award of attorneys' fees using the  
13 lodestar method, whereby a court multiplies "the number of hours the prevailing party  
14 reasonably expended on the litigation by a reasonable hourly rate." *Camacho v. Bridgeport Fin.,*  
15 *Inc.*, 523 F.3d 973, 978 (9th Cir. 2008) (internal quotation marks omitted). The fee applicant  
16 bears the burden of demonstrating that the number of hours spent were "reasonably expended"  
17 and that counsel made "a good faith effort to exclude from [the] fee request hours that are  
18 excessive, redundant, or otherwise unnecessary." *Hensley v. Eckerhart*, 461 U.S. 424, 434  
19 (1983). It is likewise the fee applicant's burden to "submit evidence supporting the hours  
20 worked and rates claimed . . . . Where the documentation of hours is inadequate, the district  
21 court may reduce the award accordingly." *Id.* at 433. "The party opposing the fee application  
22 has a burden of rebuttal that requires submission of evidence to the district court challenging the  
23 accuracy and reasonableness of the hours charged or the facts asserted by the prevailing party in  
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25 <sup>1</sup> The court noted that "in no event shall plaintiff be paid more than a total of \$46,545.71  
26 (excluding any potential award of attorneys' fees, costs, and/or post-judgment interest)." ECF No.  
99 at 4.

1 its submitted affidavits.” *Gates v. Deukmejian*, 987 F.2d 1392, 1397-98 (9th Cir. 1992) (citing  
2 *Blum v. Stenson*, 465 U.S. 886, 892 n. 5 (1984); *Toussaint v. McCarthy*, 826 F.2d 901, 904 (9th  
3 Cir. 1987)).

4 “Although in most cases, the lodestar figure is presumptively a reasonable fee award, the  
5 district court may, if circumstances warrant, adjust the lodestar to account for other factors which  
6 are not subsumed within it.” *Ferland v. Conrad Credit Corp.*, 244 F.3d 1145, 1149 n. 4 (9th Cir.  
7 2001). Those factors—also known as the *Kerr* factors—include:

8 (1) the time and labor required, (2) the novelty and difficulty of the questions  
9 involved, (3) the skill requisite to perform the legal service properly, (4) the  
10 preclusion of other employment by the attorney due to acceptance of the case, (5)  
11 the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations  
12 imposed by the client or the circumstances, (8) the amount involved and the  
13 results obtained, (9) the experience, reputation, and ability of the attorneys, (10)  
14 the undesirability of the case, (11) the nature and length of the professional  
15 relationship with the client, and (12) awards in similar cases.

13 *Ballen v. City of Redmond*, 466 F.3d 736, 746 (9th Cir. 2006) (quoting *McGrath v. Cnty. of*  
14 *Nevada*, 67 F.3d 248, 252 (9th Cir. 1995)); *see also Kerr v. Screen Extras Guild, Inc.*, 526 F.2d  
15 67, 70 (9th Cir. 1995).

16 Here, plaintiff seeks to recover a total of \$171,960.00 in attorney fees and \$3,969.57 in  
17 litigation expenses pursuant to 29 U.S.C. § 216(b) and California Labor Code § 218.5. ECF. No.  
18 101 at 7. Rather than submitting a brief in opposition to the motion, defendants filed two  
19 affidavits. ECF Nos. 105, 106. The first affidavit, from defendant Ronald Dufour, avers that (1)  
20 defendant did not intentionally fail to pay plaintiff any wages owed to him and instead believed  
21 that he was fully compensating plaintiff; (2) the attorney’s fees requested herein “would  
22 devastate the finances of Dufour Enterprises” and defendant Dufour; and (3) the attorney’s fees  
23 sought by plaintiff far exceed the \$75,230.18 in total fees and costs expended by defendants in  
24 this action. ECF No. 105, Dufour Aff. ¶¶ 4-5, 7-8. The second affidavit, from defense counsel  
25 Leonard C. Hart Nibbrig, implies that plaintiff’s counsel took too long (five years) to take this  
26 case to trial and the case at trial was simple and straightforward, with plaintiff’s counsel only

1 calling one witness – plaintiff. ECF No. 106, Hart Nibbrig Aff. ¶¶ 2-3. Defense counsel also  
2 states that both discovery and motion practice “were extraordinarily limited” and that plaintiff  
3 was only partially a prevailing party at trial. *Id.* ¶¶ 4-5.

4 It appears from those affidavits that defendants are attempting to challenge the amount of  
5 fees sought by plaintiff. However, because defendants did not file a formal brief in opposition to  
6 the motion for fees, it is unclear what specific portions of plaintiff’s counsel’s work defendants  
7 believe was unnecessary and/or what hourly rates defendants believe were reasonable.

8 Nonetheless, the court has independently considered whether the number of hours sought by  
9 plaintiff is reasonable, whether the hourly rates sought are reasonable, and whether the *Kerr*  
10 factors warrant straying from that lodestar figure. *Gates v. Deukmejian*, 987 F.2d 1392, 1401  
11 (9th Cir. 1993) (“the district court [is] required to independently review plaintiffs’ fee request  
12 even absent defense objection”); *Sealy, Inc. v. Easy Living, Inc.*, 743 F.2d 1378, 1385, n.3 (9th  
13 Cir. 1984); *See also N.A.A.C.P. v. City of Evergreen, Ala.*, 812 F.2d 1332, 1334 (11th Cir. 1987)  
14 (trial court must determine if fee request is reasonable and in doing so “does not abuse its  
15 discretion simply by reducing the amount of an unsupported fee award” and “does not have to  
16 accept uncontradicted evidence if there is a reason for rejecting it.”).

17 1. Reasonable Hours Expended

18 Plaintiff seeks to recover fees based on a total of 399.05 hours of attorney and paralegal  
19 time spent on this litigation. As an initial matter, plaintiff’s attorneys have reduced the time  
20 claimed in order to prevent excessive, redundant, or otherwise unnecessary billing. *See* ECF No.  
21 101 at 13. Specifically, plaintiff’s counsel contends that they have not billed for about half of  
22 numerous short phone calls that occurred in the course of the litigation. Further, counsel  
23 indicates that he has reduced the time billed on some of the longer phone calls with defendants’  
24 original attorney, did not bill all of the time spent attempting to contact defendants during the  
25 time defendants were without counsel in this case. *Id.* Plaintiff’s request for fees is based on  
26 contemporaneous time records maintained by plaintiff’s counsel’s law firm Weinberg, Roger &

1 Rosenfeld which detail the work performed and the time billed. *See* Gauger Decl., Ex. 1,  
2 ¶¶ 8-14.

3         This court has reviewed those detailed time records and is satisfied the hours were  
4 expended and finds that, despite the relatively straightforward nature of this action, the number  
5 of hours expended by plaintiff’s counsel was reasonable and necessary in light of the procedural  
6 history and duration of this case, as well as the result obtained by plaintiff at trial. Although  
7 plaintiff did not prevail on all of his claims at trial, “plaintiffs are to be compensated for  
8 attorney’s fees that contribute to the ultimate victory in the lawsuit. Thus, even if a specific  
9 claim fails, the time spent on that claim may be compensable, in full or in part, if it contributes to  
10 the success of other claims.” *Cabrales v. County of Los Angeles*, 935 F.2d 1050, 1052 (9th Cir.  
11 1991) (citing *Hensley*, 461 U.S. at 435). Where a plaintiff succeeds on only some of his claims,  
12 the Supreme Court has adopted a two-part test to determine whether a requested fee should be  
13 reduced. “First, did the plaintiff fail to prevail on claims that were unrelated to the claims on  
14 which he succeeded? Second, did the plaintiff achieve a level of success that makes the hours  
15 reasonably expended a satisfactory basis for making a fee award?” *Id.* Under *Hensley*’s  
16 two-part test, if the unsuccessful and successful claims are unrelated, the fee award may not  
17 include fees for time spent litigating the unsuccessful claims. *Thorne v. City of El Segundo*, 802  
18 F.2d 1131, 1141 (9th Cir. 1986). Related claims “involve a common core of facts or [are] based  
19 on related legal theories.” *Id.* (quotation and citations omitted). Unrelated claims are “distinctly  
20 different” and are based on disparate facts and legal theories. *Id.* Factors that may be relevant in  
21 determining relatedness include whether the different claims were designed to seek relief for the  
22 same course of conduct, whether the claims were presented separately, whether testimony on  
23 claims overlapped, and whether evidence concerning one claim was material and relevant to  
24 another. *Id.* If the unsuccessful and successful claims are found to be related, the court must  
25 apply the second part of the *Hensley* test and gauge the overall success of the plaintiff in relation  
26 to the hours expended. *Id.* “If the plaintiff obtained ‘excellent results,’ full compensation may

1 be appropriate, but if only ‘partial or limited success’ was obtained, full compensation may be  
2 excessive.” *Id.* (quoting *Hensley*, 461 U.S. at 435-37).

3 Here, plaintiff only brought three claims, all of which were related since they required  
4 much of the same evidence for proof of the claims, involved a common core of facts or similar  
5 legal theories, and addressed the same general course of conduct by defendants. Therefore, the  
6 court does not find that a reduction is warranted based on plaintiff’s failure to prevail on one of  
7 the claims and a portion of another.

8 2. Reasonable Hourly Rate

9 “[T]he district court must determine a reasonable hourly rate considering the experience,  
10 skill, and reputation of the attorney requesting fees.” *Chalmers v. City of L.A.*, 796 F.2d 1205,  
11 1210 (9th Cir. 1986). This determination “is not made by reference to rates actually charged by  
12 the prevailing party.” *Id.* Instead, the court should use the prevailing market rate in the  
13 community for similar services of lawyers “of reasonably comparable skill, experience, and  
14 reputation.” *Id.* at 1210-11. The “relevant legal community” in the lodestar calculation is  
15 generally the forum in which the district court sits. The fee applicant bears the burden of  
16 demonstrating that “the requested rates are in line with those prevailing in the community for  
17 similar services by lawyers of reasonably comparable skill, experience and reputation.”  
18 *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 980 (9th Cir. 2008) (citation omitted).  
19 “Affidavits of the plaintiff[’s] attorney and other attorneys regarding prevailing fees in the  
20 community, and rate determinations in other cases, particularly those setting a rate for the  
21 plaintiff[’s] attorney, are satisfactory evidence of the prevailing market rate.” *United*  
22 *Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990). In addition to  
23 considering affidavits and evidence submitted by the parties, the court may also “rely on its own  
24 familiarity with the legal market.” *Ingram v. Oroudjian*, 647 F.3d 925, 928 (9th Cir. 2011).

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1 Plaintiff's fee request is based on the following hourly rates:

- 2 • Attorney Gary Provencher: \$350.00-\$375.00 per hour
- 3 • Attorney Theodore Franklin \$475.00 per hour
- 4 • Attorney Patricia M. Gates \$375.00 per hour
- 5 • Attorney Matthew J. Gauger \$425.00-575.00 per hour
- 6 • Attorney Jannah V. Manansala \$250.00 per hour
- 7 • Attorney Russell Naymark \$425.00 per hour
- 8 • Attorney Roberta Perkins \$575.00 per hour
- 9 • Paralegal Judy Castillo \$155.00-\$195.00 per hour
- 10 • Paralegal Eleanor Natwick \$90.00-\$195.00 per hour
- 11 • Paralegal Teresa Rojas Alou \$195.00 per hour

12 ECF No. 101 at 14; *see also* Gauger Decl., Ex. 3. Plaintiff contends that the hourly rates “are  
13 reasonable based on counsels’ years in practice and experience” and “are also consistent with the  
14 rates charged by other practitioners in the Sacramento area.” ECF No. 101 at 15 (citing Gauger  
15 Decl., Ex. 4). Plaintiff contends generally that “[t]he hourly rates claimed for work on this case  
16 are consistent with the hourly rates for handling cases of this type in Sacramento County”; the  
17 rates sought “are reasonable, and fairly represent a ‘reasonable rate’ for this type of work”; and  
18 “[t]he ‘market’ clearly supports these hourly rates for this kind of work.” *Id.* at 22-23. Plaintiff  
19 also contends that “Matthew J. Gauger is a highly qualified labor lawyer who has handled many  
20 other wage and hour claims under the FLSA and State law and class action litigation over the  
21 course of his 23-year career”; that “Russell Naymark appeared at trial and provided considerable  
22 assistance in drafting pleadings”; that “[t]here is no question that Mr. Gauger and Mr. Naymark  
23 possessed the requisite skill to guide and oversee all aspects of this case”; that “[t]he experience  
24 of all attorneys on this case resulted in efficient and economical work”; that “[t]he law clerk and  
25 paralegals involved with the case were qualified to provide the assistance they rendered under  
26 the supervision of the working attorneys”; that “each of the attorneys who worked on this case is  
well qualified and capable to handle this type of litigation”; and that “there should be no dispute  
concerning counsels’ experience, reputation and ability.” *Id.* at 16, 18-19.

However, the only evidence plaintiff offers in support of his conclusions about the  
reasonableness of the hourly rates claimed are a declaration of Larry Kazanjian, a Sacramento-

1 based management labor attorney; the declaration of one of plaintiff's attorneys, Matthew  
2 Gauger; and an April 2012 order in a Fresno County Superior Court case awarding attorney's  
3 fees to Gauger at a rate of \$350.00 per hour. Gauger Decl. Exs. 4, 5.

4 In his declaration, Kazanjian avers that he is very familiar with the hourly rates charged  
5 by management labor lawyers in Sacramento and the Central Valley and that "[i]t is very  
6 common for management labor lawyers with over ten years experience to charge in excess of  
7 \$500.00 an hour." Kazanjian Decl. ¶ 2. Kazanjian further avers that he is familiar with  
8 Gauger's work and that in his opinion, "Gauger is among the top union-side labor lawyers in  
9 Northern California, and would easily command a \$500.00 plus per hour market rate." *Id.* ¶ 4.  
10 Kazanjian also declares, however, that despite practicing law representing management in labor  
11 relations matters since 1987, he only charges between \$350 and \$395 per hour, and the other  
12 partners in his firm, who have been practicing since 1994, 1995, and 1996, are billed out at \$300  
13 to \$350 per hour, and the associates in his firm bill at rates between \$225 and \$295 per hour. *Id.*  
14 ¶¶ 2, 3.

15 Gauger declares that he has been practicing law since 1989, has been a shareholder at his  
16 current firm since July 2000, and has "devoted twenty-three years to representing Unions, their  
17 members and other constituents of the American Labor Movement." Gauger Decl. ¶¶ 3, 5, 6.  
18 Gauger's declaration lists numerous published decisions in cases in which he was the principal  
19 attorney, *id.* ¶ 7, and contends that "[a]ttorneys on the management side with [his] background  
20 and experience that are Shareholders or Partners routinely charge in excess of \$525.00 per hour."  
21 *Id.* ¶ 8. Gauger adds that "[a]ttorneys with Russell Naymark's experience routinely charge  
22 \$400.00 per hour." *Id.* However, Gauger does not provide any support or explanation for that  
23 conclusion, nor does he say anything further about the other attorneys who worked on this case,  
24 other than to state their hourly rate and the number of hours they billed. *Id.* ¶ 14. No  
25 information is provided regarding the experience level or expertise of those attorneys, nor is it  
26 even clear whether those attorneys are partners or associates with the firm.



1 With regard to the hourly rates charged by the paralegals on the case, Gauger states only  
2 that “[t]he firm billed Paralegal time at the rate of between \$90.00 per hour and \$195.00 per  
3 hour” and “[t]he market rate for the value of their Paralegal work in this case is \$195.00 an  
4 hour.” *Id.* ¶ 12. Plaintiff did not provide any information regarding the reasonable hourly rates  
5 for paralegals in the Sacramento area, nor did plaintiff provide any information as to the  
6 experience or expertise of the paralegals who worked on this case. The scant evidence offered  
7 does not adequately address the prevailing rates for attorneys and paralegals in Sacramento, and  
8 itself is not sufficient to support a finding that the rates charged by plaintiff’s attorneys and  
9 paralegals are reasonable.

10 As plaintiff has not provided the court with any apposite information regarding the  
11 prevailing market rates for similar work performed by comparable attorneys in Sacramento, the  
12 court will look to other sources. “As many cases in the Eastern District . . . observe, ‘prevailing  
13 hourly rates in the Eastern District of California are in the \$400/hour range.’” *Monterrubio v.*  
14 *Best Buy Stores, L.P.*, 2013 WL 2106085 (E.D. Cal. May 14, 2013) (quoting *Bond*, 2011 WL  
15 2648879, at \*12); *see also Franco v. Ruiz Food Products, Inc.*, 2012 WL 5941801, at \*20 (E.D.  
16 Cal. Nov. 27, 2012); *Gong-Chun v. Aetna Inc.*, 2012 WL 2872788, at \*21 (E.D. Cal. July 12,  
17 2012); *Garcia v. Gordon Trucking, Inc.*, 2012 WL 5364575 (E.D. Cal. Oct. 31, 2012); *cf. Broad.*  
18 *Music Inc. v. Antigua Cantina & Grill, LLC*, 2013 WL 2244641, at \*1 (E.D. Cal. May 21, 2013)  
19 (finding \$275 to be a reasonable rate for an attorney in a “routine copyright infringement” case  
20 with twenty years experience in intellectual property matters); *Branco v. Credit Collection*  
21 *Servs., Inc.*, 2011 WL 6003877, at \*3–4 (E.D. Cal. Dec.1, 2011) (approving a rate of \$275 per  
22 hour for an attorney with over ten years experience working on cases involving the Fair Debt  
23 Collection Practices Act); *Lehr v. City of Sacramento*, 2013 WL 1326546, at \*7 (E.D. Cal. Apr.  
24 2, 2013) (finding \$400 to be a reasonable rate for “one of the most experienced and successful  
25 civil rights attorneys in the Sacramento area”).

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1           Thus, over the period of 2012 and 2013 several Eastern District of California cases  
2 resulted in fee awards with hourly rates that ranged from \$275 to \$400. In light of Gauger and  
3 Kazanjian's declarations regarding Gauger's 23 years of experience as a union lawyer, as well as  
4 the rates that are charged by Kazanjian and the other partners at his firm, along with the rates  
5 typically charged in this district in similar cases, an hourly rate within that range would reflect  
6 the appropriate market rate for the services in question here. However, within that range perhaps  
7 the best indicator of the appropriate hourly rate is that actually awarded to Gauger in a case  
8 litigated within the boundaries of this district. The court finds that the \$350 hourly rate that  
9 Gauger was paid in the 2012 Fresno County Superior Court case is reasonable, as opposed to the  
10 requested rate of \$425.00 - 575.00 per hour.

11           Plaintiff has not provided the court with information regarding the experience or  
12 expertise of the other attorneys on this case, nor has plaintiff provided any evidence  
13 demonstrating that the rates charged by those attorneys are comparable to other attorneys of  
14 similar experience and expertise in the Sacramento area. Based on that record, the court cannot  
15 find that the rates charged for those attorneys, which range from \$250 per hour to \$575 per hour,  
16 are supported and reasonable. However, in the absence of any information regarding the  
17 qualifications of those attorneys, the court again turns to the rates awarded to associates in other  
18 cases and finds that the rate of \$150 per hour for those attorneys is reasonable.<sup>2</sup> *See, e.g., Broad.*  
19 *Music Inc.*, 2013 WL 2244641, at \*1 (awarding associate \$175 per hour); *Passport Health, Inc.*  
20 *v. Travel Med, Inc.*, 2011 WL 6211874, at \*2 (E.D. Cal. Dec. 14, 2011) (awarding hourly rate of  
21 \$150 for associates in a contract action); *Yeager v. Bowlin*, 2010 WL 2303273, at \*6 (E.D. Cal.  
22 June 7, 2010), *aff'd*, 495 Fed. App'x 780 (9th Cir. 2012) (explaining that a reasonable rate for  
23 associates in this district is \$150).

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25           <sup>2</sup> Although those attorneys may in fact have experience and expertise entitling them to a  
26 higher rate, plaintiff was provided an opportunity to support his request for attorney fees with the  
requisite evidence and failed to do so. It is ultimately plaintiff's burden and responsibility to support  
the motion for fees with the evidence necessary to establish the reasonableness of the rates sought.

1 Plaintiff also failed to provide information on the prevailing market rates for paralegals in  
2 Sacramento and did not provide information as to the experience or expertise of the paralegals  
3 who worked on this case. According to the court's own research, “the paralegal rate ‘favored in  
4 this district’ is \$75 per hour.” *Friedman v. Cal. State Emps. Ass’n*, 2010 WL 2880148, at \*4  
5 (E.D. Cal. July 21, 2010); see also *Passport Health, Inc.*, 2011 WL 6211874, at \*2 (awarding a  
6 rate of \$75 per hour for paralegal time). The court therefore finds that a rate of \$75 per hour for  
7 each paralegal is reasonable.

8 3. Application of the *Kerr* Factors

9 The court has carefully considered the *Kerr* factors, and the arguments set forth in  
10 plaintiff’s brief regarding those factors, and concludes that the lodestar should not be further  
11 adjusted in this case.<sup>3</sup> There is nothing about this case that warrants departing from the lodestar  
12 as determined the use of a reasonable hourly rate times a reasonable number of hours necessarily  
13 incurred to prosecute the case. Therefore, plaintiff is entitled to his attorney fees for the hours  
14 expended, based on the rates discussed above.

15 B. Litigation Expenses

16 29 U.S.C. § 216(b) requires the court to award a “reasonable attorney’s fee . . . and costs  
17 of the action” to a plaintiff prevailing in an FLSA claim. Litigation expenses are reimbursable as  
18 part of the award for attorney fees if they are the types of expenses that an attorney would  
19 include in a bill for professional services. *Missouri v. Jenkins*, 491 U.S. 274, 285-89 (1989).  
20 Here, the expenses plaintiff seeks to recover are the reasonable out of pocket expenses incurred  
21 during the course of the litigation, and are expenses that would have been billed to a client under  
22 an hourly agreement for services or a retainer agreement or would have been categorized as costs  
23 for purposes of a contingent fee agreement. Defendants have not challenged any item of  
24 expenses, and the expenses sought appear to have been reasonably incurred.

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25 <sup>3</sup> Plaintiff does not request any departure from the lodestar figure. Nor do defendants  
26 specifically request such a departure.

1 Therefore, plaintiff's motion for \$3,969.57 in litigation expenses is granted.

2 II. CONCLUSION

3 In light of the foregoing, the court grants in part and denies in part plaintiff's motion for  
4 attorneys' fees and costs, as follows:

5 1. Plaintiff is awarded \$93,131.25 in attorneys' fees, to be paid jointly and severally by  
6 defendants, based on the following hours and hourly rates:

- 7 • Attorney Matthew J. Gauger: 187.05 hours at \$350/hour = \$65,467.50
- 8 • Attorney Gary Provencher: 33.00 hours at \$150/hour = \$4,950.00
- 9 • Attorney Theodore Franklin: 0.25 hours at \$150/hour = \$37.50
- 10 • Attorney Patricia M. Gates: 3.50 hours at \$150/hour = \$525.00
- 11 • Attorney Jannah V. Manansala: 22.10 hours at \$150/hour = \$3,315.00
- 12 • Attorney Russell Naymark: 101.95 hours at \$150/hour = \$15,292.50
- 13 • Attorney Roberta Perkins: 0.25 hours at \$150/hour = \$37.50
- 14 • Paralegal Judy Castillo: 2.25 hours at \$75/hour = \$168.75
- 15 • Paralegal Eleanor Natwick: 6.25 hours at \$75/hour = \$468.75
- 16 • Paralegal Teresa Rojas Alou: 38.25 hours at \$75/hour = \$2,868.75

17 2. Plaintiff is awarded \$3,969.57 in litigation expenses, to be paid jointly and severally  
18 by defendants.

19 SO ORDERED.

20 Dated: February 11, 2014.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE